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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Harro Osthoff

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EXAMINER

ARMOUCHE, HADI S

ART UNIT

PAPER NUMBER

2432

MAIL DATE

DELIVERY MODE

11/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,742	Applicant(s) OSTHOFF ET AL.	
	Examiner HADI ARMOUCHE	Art Unit 2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the amendment filed on 07/11/2008.

Claims 1-32 have been cancelled and claims 33-61 have been added. Claims 33-61 remain pending.

2. Applicant's cancellation of claims 6-15, 19-21 and 27-29 rendering previously raised objection under 37 CFR 1.75(c) moot. Objection is hereby withdrawn.

3. Applicant's cancellation of claims 29 and 32 rendering previously raised rejection under 35 USC 101 moot. Rejection under 35 USC 101 is hereby withdrawn.

Response to Arguments

4. Applicant's arguments filed on 7/11/2008 have been fully considered but they are not persuasive.

5. It is argued (page 11 of the remarks) that Wentker does not disclose "the step of transmission of a single header followed by a plurality of payload messages each comprising a data block, where each data block is cryptographically verified upon receipt, and where the combination of payload blocks is verified".

6. Applicant's interpretation of the reference is noted. However, Wentker in figure 7c teaches transmitting the load command/header (step 364) first and once authenticated, plurality of payload messages/application (step 376) are transmitted. Furthermore, Wentker teaches that each message comprises data block/ DAP blocks (page 29 line 28- page 30 line 12 and figure 100) and each block is cryptographically verified and the combination thereof (page 10 lines 3-17, page 22 lines 8-24 and page 26 lines 3-24).

Claim Objections

7. Claims 33 and 59 are objected to because of the following informalities:

Claim 33 currently states: “..... the receiving the payload data step further comprising the step of receiving a number..... the accepting the data step further comprising the step of accepting...”. It is suggested to say: “Wherein receiving the payload data further comprises receiving a number.....and wherein accepting the data further comprises accepting” Similarly claim 59. Appropriate correction is required

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 33-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Wentker et al. (WO 00/25278) referred to hereinafter by Wentker.

9. Regarding claim 33, Wentker teaches *a method of loading data into a mobile terminal data comprising payload data and header data* [page 1 lines 9-11 and figure 7c], *the method comprising the steps of:*

receiving a header message including the header data from a loading station by a mobile terminal [figure 7c elements 368 and 370];

verifying the received header data by the mobile terminal [figure 7c element 366];

receiving the payload data, if the header data is verified successfully [figure 7c element 374 and page 25 lines 12-18];

accepting the data by the mobile terminal conditioned on a verification process based on the header data, wherein the payload data is divided into a number of blocks of payload data [page 29 lines 9-27];

the receiving the payload data step further comprising the step of receiving a number of payload messages each including one of the number of blocks of payload data [page 29 lines 14-15];

the accepting the data step further comprising the step of accepting each of the blocks of payload data by the mobile terminal conditioned on a cryptographic verification process based on a corresponding one of a number of received message digests and accepting the payload data conditioned on a verification of a received message digest calculated from a combination of all blocks of payload data [page 24 line 27-page 25 line 3 and page 29 lines 24-27].

10. The independent claims of 48, 54-56 and 59 define a method, system and computer program that have the same limitations as claim 33 and hence same rejection rationale is applied.

11. Regarding claim 34, Wentker teaches that *the number of message digests received comprises at least one of the sequence of message digests received as a part of the header message* [page 10 lines 3-17].

12. Claim 52 has the same limitation as claim 34 and hence same rejection rationale is applied.

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13. Regarding claim 35, Wentker teaches that *the step of accepting each of the blocks of payload data further comprises the step of storing in a storage medium said accepted block of payload data* [page 29 lines 9-27 and page 6 lines 28-30].

14. Regarding claim 36, Wentker teaches that *the storage medium is divided into a number of storage blocks each having a predetermined size; and each of the number of blocks of payload data have a block size corresponding to the size of storage blocks* [page 27 lines 11-15].

15. Regarding claim 37, Wentker teaches that *the payload data comprises an update of existing data loaded in the mobile terminal and the method further comprises the step of only loading the blocks of payload data which differ from a corresponding block of the existing data* [page 23 lines 19-24].

16. Claim 53 has the same limitation as claim 37 and hence same rejection rational is applied.

17. Regarding claim 38, Wentker teaches that *each of the message digests is generated from the corresponding block of payload data and from the header message* [page 10 lines 3-17].

18. Claim 51 has the same limitation as claim 38 and hence same rejection rational is applied.

19. Regarding claim 39, Wentker teaches that *the cryptographic verification process used in the step of accepting a first block of payload data received after a second block of payload data is further based on a result of a cryptographic verification process used in a previous step of accepting the second block of payload data* [page 26 lines 3-24].

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20. Regarding claim 40, Wentker teaches that *the first cryptographic data item includes a first message digest encrypted with a private key of an authority and the step of accepting the data by the mobile terminal further comprises the steps of: calculating a second message digest of the received header data and the received payload data; decrypting the first message digest with a public key of said authority; and comparing the decrypted first message digest with the calculated second message digest* [page 10 lines 3-17 and page 22 lines 8-24].

21. Claim 57 has the same limitation as claim 40 and hence same rejection rational is applied.

22. Regarding claim 41, Wentker teaches that *the header data further comprises a signed key to be used in the verification process by the mobile terminal as a public key of the authority distributing the payload data* [page 10 lines 3-17 and page 22 lines 8-24].

23. Regarding claim 42, Wentker teaches that *the header data further comprises a second cryptographic data item, and the step of verifying the header data further comprises the step of performing a cryptographic verification of the header data based on the second cryptographic data item* [page 10 lines 3-17; page 22 lines 8-24 and page 26 lines 3-24].

24. Regarding claim 43, Wentker teaches that *the step of processing the payload data conditioned on the step of accepting the data by the mobile terminal* [figure 7c element 366].

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25. Regarding claim 44, Wentker teaches that *the payload data is received in a compressed form; and the step of processing further comprises the step of compressing the payload data* [figure 7c element 366].

26. Regarding claim 45, Wentker teaches that *the step of sending a request for receiving the payload data to the loading station conditioned on a result of the step of verifying the header data* [page 26 lines 3-24].

27. Regarding claim 46, Wentker teaches that *the payload data comprises program code means* [claim 12].

28. Regarding claim 47, Wentker teaches that *the payload data comprises a software patch* [claim 8].

29. Regarding claim 49, Wentker teaches that *the method further comprises: receiving a request from the mobile terminal for transmitting the payload data and transmitting the payload data to the mobile terminal in response to the received request* [figure 7c].

30. Regarding claim 50, Wentker teaches that *the method further comprises: processing the payload data to be uploaded into the mobile terminal; generating a cryptographic data item for the processed payload data and transmitting the cryptographic data item as a part of the header data* [page 10 lines 3-17; page 22 lines 8-24 and page 26 lines 3-24].

31. Regarding claim 58, Wentker teaches that *the first device is a smart card* [abstract last line].

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32. Regarding claim 60, Wentker teaches that *the data processing device is a mobile terminal* [figure 1].

33. Regarding claim 61, Wentker teaches that *the data processing device is loading station* [figure 1].

Conclusion

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HADI ARMOUCHE whose telephone number is (571)270-3618. The examiner can normally be reached on M-Th 7:30-5:00 and Fridays half day.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. A./
HADI ARMOUCHE
Examiner, Art Unit 2432

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2432